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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose GONZALEZ** **Oscar Yibram GARCIA-Carmona** **Christian Giovani SALAS,** Defendant(s)	Magistrate Case No. 08 MJ 1435 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **May 6, 2008,** within the Southern District of California, defendant **Jose GONZALEZ, Oscar Yibram GARCIA-Carmona, Christian Giovani SALAS** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Sixto OLMOS-Ortega, Pedro GARCIA-Felician,** and **Maricarmen CORTEZ-Flores** and **Berenice RIVERA-Muro** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **MAY 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose GONZALEZ
OscarYibram GARCIA-Carmona
Christian Giovani SALAS

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Sixto OLMOS-Ortega, Pedro GARCIA-Felician, Maricarmen CORTEZ-Flores and Berenice RIVERA-Muro** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 5, 2008, Border Patrol Agent C. Estrada, was assigned to transportation duties in the Campo Border Patrol Station's area of operation. Patrol Agent Estrada was in full Border Patrol uniform and in a marked Border Patrol vehicle parked at Dairy Fresh and Highway 94; approximately two tenths of a mile west of Shockey Truck Trail. Shockey Truck Trail is a notorious smuggling corridor which is located approximately 14 miles east of the Tecate, California Port of Entry and spans approximately five miles from Highway 94 all the way to the United States/Mexico border. The direct access to the international border and quick egress from the immediate border area to Interstate 8, make Shockey Truck Trail a heavily used route for illegal aliens and smugglers of humans and other contraband. The community of Shockey Truck Trail is also a sparsely populated, rural border community with very little vehicle traffic outside of the local residents and law enforcement.

Agent J. Lopez observed three subjects outside a house located at the first driveway west of Shockey Truck Trail north of the end of pavement. Utilizing a night vision device, Patrol Agent Lopez observed one subject enter the house and the other two go into the brush. Shortly after, Agent Lopez observed two vehicles drive out from the house's driveway and continue north on Shockey Truck Trail towards Highway 94; Agent Lopez then lost sight of the vehicles. At approximately 10:25 PM Border Patrol Agent J. Costello was driving a marked Border Patrol vehicle southbound La Posta towards Highway 94. At the intersection of Highway 94 and La Posta Agent Costello observed a red 2000 Dodge Dakota Sport pickup truck and a white 2000 Chevrolet model 1500 pickup truck turn left off Highway 94 onto La Posta Road. Both vehicles appeared heavily laden and Agent Costello then used his service radio to alert agents of a possible tandem load driving northbound La Posta Road. This type of "tandem" driving is commonly seen in smuggling vehicles where large groups require two vehicles to pick up.

Border Patrol Agent Estrada then observed the two pickup trucks driving westbound on Highway 94 at approximately 10:30 PM. Agent Estrada then followed both pickup trucks and informed the other agents. Agent Estrada followed the vehicles northbound Buckman Springs Road; the red Dodge pickup truck was ahead of the white Chevrolet pickup truck. Border Patrol Agent F. Ramirez, who was in full Border Patrol uniform and driving a marked Border Patrol vehicle, positioned himself north of the vehicles to assist. Both pickup trucks were riding heavy. Border Patrol Agent T. Duarte positioned himself with a Controlled Tire Deflation Device on Buckman Springs Road approximately 50 yards south of the nine mile marker. Patrol Agent Ramirez observed the two pickup trucks and proceeded to get behind the red Dodge pickup truck. Agent Ramirez noticed that the driver was wearing a white baseball cap. Agents Ramirez and Estrada coordinated to attempt to stop both vehicles. Once north of Mountain Empire High School, all emergency equipment was activated on both Border Patrol vehicles and both suspected smuggling vehicles failed to yield and continued north. Agents Estrada and Ramirez terminated the pursuit and Agent Duarte effectively deployed the CTDD and both vehicles came to a complete stop. The drivers fled into the brush and Agent Ramirez noticed that the subject who exited the red Dodge pickup truck was wearing a white baseball cap.

CONTINUATION OF COMPLAINT:
Jose GONZALEZ
OscarYibram GARCIA-Carmona
Christian Giovani SALAS

Border Patrol Agent Carlos Estrada approached both pickup trucks and noticed that the driver's side doors on both vehicles were open. Upon further inspection of the red Dodge Pickup truck, Agent Estrada observed ten subjects crammed into the bed, and three other subjects in the cab. Border Patrol Agent F. Ramirez approached the white Chevrolet pickup truck and noticed nine subjects crammed into the bed, and one subject in the cab. Agents Ramirez and Estrada identified themselves as a Border Patrol Agents and through field interviews, it was determined that all of the subjects were citizens of Mexico present in the United States without any documents that would allow them to be present or remain legally. After a search of the area two subjects were found hiding in the brush. One of the subjects, later identified as the defendant, **Christian GIOVANI-SALAS**, was found wearing a white baseball cap. After a field interview it was determined that the defendant was a United States citizen. The defendant freely admitted to Border Patrol Agent Fernando Ramirez that he had been driving the red Dodge pickup truck. At approximately 10:55 pm Agent Ramirez placed the two subjects including the defendant under arrest. Shortly after that all twenty-six subjects, including the Christian GIOVANI-Salas were transported to Campo Station for further processing;

On May 6, 2008, at approximately 12:30 AM, Boulevard Border Patrol Agents J. Martinez and E. Pepe spoke with Border Patrol Agent John Costello and relayed the following information.

On May 5, 2008, El Cajon Border Patrol Agents observed a white Ford Thunderbird, possibly loaded, entering the Campo area of operation. El Cajon agents alerted both Campo and Boulevard agents of the vehicle. At approximately 10:35 PM, Patrol Agents Pepe and Martinez responded and found a white Ford Thunderbird travelling northbound on Buckman Springs Road. Agents Pepe and Martinez followed the vehicle to Interstate 8 eastbound and relayed license plate to dispatch. After hearing the radio traffic about the two pickup trucks on mile marker nine at Buckman Springs Road, they turned back to assist the Campo agents with the two pickup trucks. After hearing that the Campo agents had control of the scene, the Boulevard agents turned back eastbound on Interstate 8 to attempt to find the white Ford Thunderbird. At approximately 11:10 PM, Agents Pepe and Martinez noticed a white Ford Thunderbird purchasing gas at the Shell Station located at the Jacumba exit off Interstate 8. Upon entering the gas station Agents Pepe and Martinez recognized the vehicle and confirmed the license plate. Border Patrol Agent Martinez then approached the vehicle driver later identified as **Jose GONZALEZ**, and two occupants identified as VARGAS-Patino, Alejandro and GARCIA-Carmona, Oscar. After identying himself as a Border Patrol Agent, Agent Martinez questioned the occupants as to their citizenship. During questioning, the defendant freely stated to Agent Martinez that all three were operating as "scouts" for the two pickup trucks that were apprehended at the Buckman Springs Road nine mile marker. The defendant described the two pickup trucks as the vehicles they were scouting for.

Agents Pepe and Martinez determined that the white Ford Thunderbird and their occupants were related to the two pickup truck loads apprehended by Campo agents. At approximately 12:39 am, Agents Pepe and Martinez arrested the occupants including the defendant, **Jose GONZALEZ** and transported them to the Campo Station for processing.

CONTINUATION OF COMPLAINT:
Jose GONZALEZ
OscarYibram GARCIA-Carmona
Christian Giovani SALAS

DEFENDANT STATEMENT: Jose GONZALEZ

The defendant stated that on May 5, 2008, at approximately 5:00 PM, **Oscar GARCIA-Carmona**, also known as "Gabran", called him. GARCIA told the defendant that he needed people to pick up illegal immigrants. . The defendant overheard that GARCIA was going to pay **Christian GIOVANI-Salas** and FIGUEROA $100.00 USD, but they all wanted to be paid more. They went to a white house and met with an unknown woman who gave sets of keys to them. They were told by the woman not to stop for the Border Patrol. GARCIA told them to follow him. SALAS was in the red truck, FIGUEROA was in the white truck, and GARCIA was with GONZALEZ in the Thunderbird. They arrived at the area where they were to pick up the illegal immigrants and GARCIA yelled out to get in. The foot-guide got in the Thunderbird. They then led the pickup trucks up towards Interstate 8. They stopped at the gas station and tried to contact the trucks. They were then arrested by the Border Patrol.

DEFENDANT STATEMENT: Christian Giovani Salas

The defendant explained that he needed money because he had just been laid off is job. The defendant was outside his apartment with friends when **Oscar Yibram GARCIA-Camona** came over. The defendant asked GARCIA if he knew how to make some money. GARCIA said he did and that he needed people to help him smuggle. The defendant stated that GARCIA had been smuggling for a while. The defendant said that himself, FIGUEROA, GARCIA, and GONZALEZ were picked up in a Thunderbird and taken to a street where the vehicles were already parked. At that location GARCIA dispersed the keys to the defendant and FIGUEROA, and instructed them to follow him in the Thunderbird. They followed GARCIA to Campo and when GARCIA stopped they stopped and people loaded into the vehicles. The defendant further stated that he was aware the people who got into the vehicles had entered the United States illegally. The defendant lost sight of GARCIA and did not know where to go. The defendant tried to make his way north to Interstate 8, when he saw the Border Patrol; his vehicle was spiked and he fled the vehicle and attempted to hide in the brush when he was arrested by the Border Patrol. The defendant stated that he was expecting to get paid at least $1,000.00 USD for smuggling the aliens. Agent Morales showed the defendant a photo lineup of the other principals. The defendant identified FIGUEROA as the driver of the white pickup, **Jose GONZALEZ** as the one in the Thunderbird and Oscar GARCIA-Camona as the organizer of the smuggling operation.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Sixto OLMOS-Ortega, Pedro GARCIA-Felician, Maricarmen CORTEZ-Flores, Berenice RIVERA**-Muro agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay up to $3,000 (US) to be smuggled into the United States.